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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

JAN 21 1994

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)
)
 Request for Amendment of) RM-
 Section 15.117(g)(3) of the)
 Commission's Rules Relating)
 to the Filing of UHF Noise)
 Figures)

PETITION FOR RULEMAKING

The Consumer Electronics Group of the Electronic Industries Association ("EIA/CEG") hereby requests that the Commission eliminate an unnecessary and burdensome filing requirement. The Commission's rules currently require those who manufacture or market television receivers to file reports concerning UHF noise figure performance of recently introduced models. 47 C.F.R. § 15.117(g)(3) (1992). The need for this requirement has long ago been eliminated, and the rule should now be abolished so that governmental and industry resources can be more productively applied.

I. **INTRODUCTION AND INTEREST OF EIA/CEG**

EIA/CEG represents the consumer electronics industry, an industry that provides the American public with televisions, radios, videocassette recorders and camcorders, compact disc players, and a wide variety of other products. Our membership includes most of the world's major consumer electronics manufacturers, as well as many smaller companies that design, produce, import, distribute, sell, and service electronic products. Many of the products produced or marketed by EIA/CEG's members are subject to the Commission's Part 15 regulations, which

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establish technical standards and equipment authorization procedures. EIA/CEG has played an active role, over the years, in helping the Commission to develop and, as appropriate, to adjust the Part 15 rules.

The Commission's Part 15 rules prescribe various technical standards for television receivers which are shipped in interstate commerce or imported into the United States. For several years, the equipment authorization procedure applicable to television receivers has been "verification," under which the responsible party conducts the necessary tests and records the data demonstrating compliance but need not submit product samples or test reports to the Commission unless specifically asked to do so. See 47 C.F.R. §§ 2.902, 15.101(a) (1992). There is, however, an anomaly in the Commission's rules: although television receivers are subject to verification procedures, manufacturers or importers are still required, after compliance testing has been conducted and marketing has begun, to compile test measurement data on UHF noise figures for each model during the first year of its introduction and to file these measurements with the Commission. There is no continuing need for this burden on industry.

II. DISCUSSION

A. UHF Noise Figure Regulation and Procedures

More than 20 years ago, Congress passed the All Channel Receiver Act. Pub. L. No. 87-529, 76 Stat. 150 (1962) (codified at 47 U.S.C. § 303(s), 330(a) (1988)). That statute was intended to promote competitive parity between VHF and UHF channels, and it empowered the Commission to promulgate regulations which ensure that TV receivers are capable of adequately receiving all channels allocated to the television broadcast service.

To implement this goal, the Commission developed a variety of rules. Among other things, these rules require that UHF tuning mechanisms function as accurately and as easily as VHF tuning mechanisms, that UHF and VHF tuning controls and channel readouts be comparable in size, location, and accessibility, and that UHF and VHF antennas be provided on the same basis. 47 C.F.R. § 15.117(c), (d), & (e) (1992). The rules also establish noise figure limitations (14dB) for all UHF channels and require the responsible party to maintain in its files an explanation of how it will ensure that at least 97.5% of all production units of each model will meet the prescribed standard. 47 C.F.R. § 15.117(g)(1) & (2) (1992).

EIA does not seek to change any of the rules summarized in the preceding paragraph. EIA/CEG asks only that the Commission eliminate the additional requirement regarding post-authorization measurement and filing of UHF noise figure data.

B. Reasons for the Petition

1. The UHF noise figure filing requirement is an anomaly. It was ten years ago that the Commission decided that television receivers should be subject to verification, not certification.¹ At the time, the Commission reasoned that equipment authorization procedures could be liberalized without creating excessive risks of increased noncompliance. In particular, the Commission felt that an expanded sampling program would allow detection of any equipment designed in violation of applicable technical standards. Further, the Commission recognized that "a vigilant and highly competitive industry will be quick to bring violations to our attention."

^{1/} Amendment of the regulations to expand the notification and verification equipment authorization procedures, 96 FCC 2d 948, 950 (1984).

Experience over the past decade has proven that the Commission was right. The Commission's decision to entrust the consumer electronics industry with the responsibility inherent in verification has produced the desired results, while avoiding any negative repercussions. Indeed, it is EIA/CEG's understanding that the Commission's sampling program shows very high levels of compliance with the Commission's rules on the part of television receiver manufacturers and importers, higher levels in fact than are characteristic of certain other kinds of products which are under more cumbersome forms of equipment authorization procedures.

Continuation of the requirement for the filing of UHF noise figure measurements is inconsistent with the use of verification procedures for authorization of television receivers. It is also inconsistent with the industry's record of responsible compliance with the Commission's rules.

2. Further, there is no longer any justification for imposing extra regulatory burdens in support of the All-Channel Receiver Act. Any doubts about the industry's commitment to the letter and spirit of that statute and its implementing regulations have long ago been erased.

For well over a decade, televisions have routinely met, and they continue to meet, the UHF noise figure requirements and other UHF-VHF parity provisions of the rules. EIA/CEG understands that measurements show, not only conformance with the 14 dB requirement, but conformance by comfortable margins. There is simply no basis for any continuing concern about compliance with the noise figure requirement, and therefore no need for the belt-and-suspenders approach of requiring both verification with the noise figure requirement and post-verification measurement and submission of test data.²

^{2/} Approval of EIA/CEG's petition would not affect the Commission's sampling program. The Commission would also retain the authority to require the (Footnote 2 continued on next page.)

3. One stated priority of the current Administration is "reinventing government" in a way which reduces unnecessary burdens on private business and increases the efficiency of federal agencies. The "verification" form of equipment authorization is consistent with that philosophy. The requirement for post-verification measurement and submission of test data regarding UHF noise figures is not.

There is no reason to require consumer electronics companies to expend resources to prove that they are abiding with standards which are common to the industry. Moreover, to the extent that the Commission actually does anything with the UHF noise figure reports, the rule also results in the misallocation of government resources better spent on something other than transcribing and reviewing unnecessary information.³ This is especially the case given that, as previously explained, the purposes of the All-Channel Receiver Act are fully achieved by other rules which would not be affected by this petition.

For all of these reasons, it is timely to eliminate the UHF noise figure filing requirement. Doing so will further the Administration's policy of cutting red tape and promoting efficiency, but it will not in any way diminish the Commission's -- or the industry's -- commitment to the objective of the All-Channel Receiver Act. Manufacturers and importers will remain subject to the 14 dB noise figure, and compliance with this standard (as with all other applicable provisions of Part 15) will be demonstrated through the verification procedure. The only change is that the additional requirements for post-approval measurements and for submission of test data

(F o o t n o t e 2 c o n t i n u e d f r o m p r e v i o u s p a g e .)
submission of data taken to verify compliance. The Commission's remedial powers would also be unaffected.

3/ Conversely, if government officials do not review the noise figure filings, then there can be no conceivable justification for retaining the filing requirement.

to the Commission would be deleted. Such an approach is very much in keeping with the public interest.

C. The Commission Should Expeditiously Consider EIA/CEG's Proposed Amendments

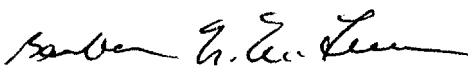
EIA/CEG is aware of no public interest consideration warranting retention of the filing requirement or delay in deleting the rules as proposed. To the contrary, prompt action to eliminate the filing requirement will confer substantial benefits. Accordingly, EIA/CEG requests that the Commission promptly issue a Notice of Proposed Rulemaking so that this unnecessary regulation can be deleted at the earliest possible date.

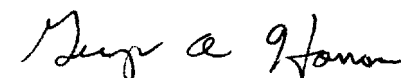
III. CONCLUSION

For the reasons stated, EIA/CEG respectfully proposes that the Commission change its rules in the manner proposed above and requests that a Notice of Proposed Rulemaking be formulated promptly to eliminate this needless burden.

Respectfully submitted,

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